

# Office Action Summary

Application No.

08/470,571

Applicant(s)

HARVEY ET AL.

Examiner

PETER-ANTHONY PAPPAS

Art Unit

2628

**Period for Reply**  
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 67-72, 74, 80, 81, 84, 85, 87, 91, 93-95, 98, 100, 102, 103, 106-109 and 183-197 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 1995 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing (PTO-646)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date 10/22/09
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims pending in the application are 67-72,74,80,81,84,85,87,91,93-95,98,100,102,103,106-109 and 183-197.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Scott and Carl Benson on 10/22/09.

- The application has been amended as follows: see the attached claims.
2. Claims 67-72, 74, 80, 81, 84, 85, 87, 91, 93-95, 98, 100, 102, 103, 106-109 and 183-197 are allowed. In regard to said claims the prior art of record fails to teach or suggest the respective claim limitations when considered as a whole and when read in light of the following interpretations disclosed by the Board of Patent Appeals and Interferences, herein referred to as BPAI:
- **coordinated display** – a display where the images used in the display are displayed dependent on a defined relationship between the content of the images. (6/24/09 BPAI decision, p. 3).
  - **user specific** – any information (or signal) that reflects something personal about a particular user, such as property ownership or capabilities, and implies no restriction on the number of users to whom the information (or signal) can be considered to be personal. "User specific" data does not require that the information be "unique" or "personal" to the user. Nor does "user specific" data require any particular kind of data, such as numerical data as opposed to control

data. Therefore, any data entered by a user (subscriber) at a receiver station is "user specific data" because that data is personal to the user even if other users can enter the same data. (3/20/09 BPAI decision, pp. 17).

- **user specific subscriber datum** – requires no more than data input by a user because that data is specific to that user. The data can be any kind of data, including control data. Any data entered by a user (subscriber) at a receiver station is a "user specific subscriber datum" because that data is personal to the user. (3/20/09 BPAI decision, pp. 34, 44).
- **generate** – to bring into existence. "Generate" requires more than just "select" or retrieve." (3/20/09 BPAI decision, p. 39).
- **locally generated** – brought into existence at a particular location. (3/20/09 BPAI decision, p. 18).
- **organize** – to arrange in a desired pattern. (3/20/09 BPAI decision, p. 21).
- **organizing information included in said at least one first discrete signal with information included in said second discrete signal to provide an organized signal at said receiver station** – two or more bits (discrete signals) are "organized" by being arranged in a buffer or register to create a byte of data that is recognized by computer as a character of data or a program instruction. Each bit has one bit of information. (3/20/09 BPAI decision, p. 22).
- **organizing information in signals to provide an organized signal** – requires that individual bits are assembled into a group, such as a byte, which is recognized by the computer. (3/20/09 BPAI decision, p. 35).

- **generating an image by processing at least one user specific subscriber**

**datum** – requires that the datum influences the appearance of the image.

(3/20/09 BPAI decision, pp. 38-39).

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

4. This application is in condition for allowance except for the following formal matters: Applicant's compliance with the Administrative Requirement. Applicant's compliance will take the form of one of the following actions: (1) filing terminal disclaimers in each of the related co-pending application terminally disclaiming each of the other co-pending applications; (2) providing an affidavit attesting to the fact that all claims in the co-pending application have been reviewed by applicant and that no conflicting claims exists between the applications; or (3) resolving all conflicts between claims in the identified co-pending applications by identifying how all the claims in the instant application are distinct and separate inventions from all the claims in the identified co-pending applications.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER-ANTHONY PAPPAS whose telephone number is (571) 272-7646. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter-Anthony Pappas/  
Primary Examiner, Art Unit 2628

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1-66. Cancelled

67. (Currently amended) ~~The method of claim 56, further comprising the step of~~  
A method for receiving and processing remotely originated and user specific data for  
use with a video apparatus, said video apparatus having a video output device for  
displaying a video presentation comprising a locally generated image and an image  
received from a remote video source, said method comprising the steps of:

receiving said user specific data at said video apparatus, said user specific data  
being specific to a user of said video apparatus;

contacting a remote data source after said step of receiving said user specific  
data;

receiving from said remote data source based on said step of contacting said  
remotely originated data to serve as a basis for displaying said video presentation;

executing processor instructions to process said remotely originated data and  
said user specific data at said video apparatus in order to generate said locally  
generated image;

storing a first television program in order to present at least one of said locally  
generated image and said image received from said remote video source at a particular  
time or place, said locally generated image including at least some information content  
that does not include any information from said remote video source and said remote  
data source; and



simultaneously displaying said locally generated image and said image received from said remote video source at said video output device, wherein said at least some information content of said locally generated image is displayed.

68. (Previously presented) The method of claim 67, wherein said video output device displays said locally generated image based on said step of storing.

69. (Previously presented) The method of claim 67, wherein said video apparatus includes a computer which stores said remotely originated and said user specific data.

70. (Previously presented) The method of claim 67, wherein said video apparatus includes a computer which generates said locally generated image in response to at least one instruct signal, said method further comprising the step of inputting said first television program to said computer.

71. (Previously presented) The method of claim 70, further comprising the step of programming said computer to respond to said at least one instruct signal.

72. (Previously presented) The method of claim 71, wherein said first television program is received from said remote video source.

73. Cancelled

74. (Previously presented) The method of claim 71, wherein said video apparatus includes a local device which inputs selected information to said computer,

said method further comprising the step of inputting said at least one instruct signal from said local device to said computer.

75-79. Cancelled

80. (Currently amended) A method of controlling a video presentation at at least one receiver station of a plurality of receiver stations, said method comprising the steps of:

transmitting a signal from an origination transmitter to a remote intermediate transmitter station, said signal including video and discrete signals for providing an instruct signal ~~which is~~ at said at least one receiver station, said instruct signal being operative at said at least one receiver station to instruct said at least one receiver station to at least one of generate and output a locally generated portion of said video presentation based on data specific to a user of said receiver station for display coordinated with said video, said data specific to a user being stored at said at least one receiver station prior to organizing information included in said discrete signals to provide said instruct signal, said locally generated portion including at least some information content that does not include any information from any of said signals, said at least some information content for display; and

transmitting at least one control signal from said origination transmitter to said remote intermediate transmitter station before a specific time, wherein said at least one control signal is effective at said remote intermediate transmitter station to control

communication of said video and said instruct signal to said at least one receiver station.

81. (Previously presented) The method of claim 80, wherein said at least one control signal comprises information which, at said remote intermediate transmitter station, identifies a portion of an information transmission that includes said video, said method further comprising the step of:

transmitting from said origination transmitter a second control signal which, at said remote intermediate transmitter station, facilitates the communication of said portion of said information transmission to said at least one receiver station.

82-83. Cancelled

84. (Previously presented) A method of controlling a video presentation at at least one receiver station of a plurality of receiver stations, wherein at least one organized signal comprises information content of separate ones of a plurality of discrete signals and said at least one organized signal is operative to instruct a processor at said at least one receiver station to deliver a locally generated image for display in conjunction with video, said method comprising the steps of:

receiving said video at a transmitter station;

delivering said video to a transmitter;

receiving a first discrete signal and a second discrete signal of said plurality of discrete signals at said transmitter station, wherein said first discrete signal includes information for organizing with information included in said second of said plurality of

discrete signals to provide said at least one organized signal, and wherein said at least one organized signal instructs said at least one receiver station to one of generate and output said locally generated image for display coordinated with said video, said locally generated image being based on user specific data, said user specific data being stored at said at least one receiver station prior to said organizing to provide said at least one organized signal, said user specific data being based on information supplied by a user of said at least one receiver station;

transferring said first discrete signal and said second discrete signal to said transmitter;

and

transmitting said video, said first discrete signal and second discrete signal to said at least one receiver station.

85. (Previously presented) The method of claim 84, wherein at least one of (i) identification data and (ii) said first discrete signal and said second discrete signal is transmitted to said transmitter embedded in a signal including said video.

86. Cancelled

87. (Previously presented) The method of claim 84, wherein said video is encrypted.

88-90. Cancelled

91. (Currently amended) ~~The method of claim 56, wherein said video apparatus includes~~ A method for receiving and processing remotely originated and user specific data for use with a video apparatus, said video apparatus having an audio receiver and a video output device for displaying a video presentation comprising a locally generated image and an image received from a remote video source, said method further comprising the steps of:

receiving said user specific data at said video apparatus, said user specific data being specific to a user of said video apparatus;

contacting a remote data source after said step of receiving said user specific data;

receiving from said remote data source based on said step of contacting said remotely originated data to serve as a basis for displaying said video presentation;

executing processor instructions to process said remotely originated data and said user specific data at said video apparatus in order to generate said locally generated image, said locally generated image including at least some information content that does not include any information from said remote video source and said remote data source;

receiving, at said audio receiver, audio which describes information displayed in said video presentation;

simultaneously displaying said locally generated image and said image received from said remote video source at said video output device, wherein said at least some information content of said locally generated image is displayed; and

outputting said audio at said video apparatus before ceasing to display said locally generated video image.

92. Cancelled

93. (Previously presented) A method of outputting a video presentation at a receiver station, said method comprising the steps of:

receiving at least one information transmission at said receiver station, said at least one information transmission including a first discrete signal and a second discrete signal;

detecting said first discrete signal and said second discrete signal in said at least one information transmission;

passing said detected at least one first discrete signal and said second discrete signal to at least one processor;

organizing information included in said at least one first discrete signal with information included in said second discrete signal to provide an organized signal at said receiver station;

generating an image in response to said organized signal by processing at least one user specific subscriber datum, said at least one user specific subscriber datum being stored at said receiver station prior to said step of organizing and based on information supplied by a user of said receiver station, said generated image including at least some information content that does not include any information from said discrete signals; and

outputting said video presentation to said user, said video presentation comprising, firstly, a video image and, secondly, a coordinated display using said generated image and said video image, wherein said at least some information content of said generated image is displayed.

94. (Previously presented) The method of claim 93, wherein a receiver specific control signal is generated based on a third discrete signal, said method further including the step of:

selecting said video presentation in response to said generated receiver specific control signal.

95. (Previously presented) The method of claim 94, further comprising the step of controlling at least one of a receiver, a switch, a decryptor, a storage device, and a computer based on said receiver specific control signal.

96-97. Cancelled

98. (Previously presented) The method of claim 94, wherein said third discrete signal includes only partial information of an identifier.

99. Cancelled

100. (Previously presented) The method of claim 93, further comprising the steps of:

receiving said at least one user specific subscriber datum; and

passing said at least one user specific subscriber datum to a storage device.

101. Cancelled

102. (Previously presented) The method of claim 93, further including the step of:

contacting a remote station to obtain said at least one user specific subscriber datum.

103. (Previously presented) The method of claim 93, wherein a receiver specific control signal is processed based on a third discrete signal, said method further including the step of outputting said video image in response to said receiver specific control signal.

104-105. Cancelled

106. (Previously presented) The method of claim 93, wherein a receiver specific control signal is processed based on a third discrete signal, wherein said coordinated display is output based on said receiver specific control signal.

107. (Previously presented) The method of claim 93, wherein said video image is received in one of a television and a multichannel information transmission.

108. (Previously presented) The method of claim 107, wherein said one of a television and a multichannel information transmission comprises an analog television signal.



109. (Previously presented) The method of claim 93, wherein said receiver station includes a video monitor which outputs said video presentation, wherein said video presentation comprises a series of computer generated video display outputs, and wherein by processing said at least one user specific subscriber datum said at least one processor delivers said generated image at said video monitor in one of said series of computer generated display outputs, said method further comprising the step of receiving said at least one user specific subscriber datum from a remote data source.

110-182. Cancelled

183. (Previously presented) The method of claim 84, further comprising the steps of:

receiving a first control discrete signal and a second control discrete at said transmitter station;

organizing information included in said first control discrete signal with information included in said second control discrete signal at said transmitter station to provide a control signal, wherein said step of transmitting is based on said control signal.

184. (Previously presented) The method of claim 84, wherein said at least one organized signal instructs said at least one receiver station to generate said locally generated image.

185. (Previously presented) The method of claim 84, wherein said at least one organized signal instructs said at least one receiver station to output said locally generated image.

186. (Previously presented) The method of 185, further comprising the steps of:  
receiving an additional signal that is effective to enable said at least one receiver station to respond to said organized signal;  
transferring said additional signal to said transmitter; and  
transmitting said additional signal to said at least one receiver station.

187. (Previously presented) A method of outputting a video presentation at a receiver station, said method comprising the steps of:  
receiving at least one information transmission at said receiver station, said at least one information transmission including a first discrete signal and a second discrete signal;  
detecting said first discrete signal and said second discrete signal in said at least one information transmission;  
passing said detected at least one first discrete signal and said second discrete signal to at least one processor;  
organizing information included in said at least one first discrete signal with information included in said second discrete signal to provide an organized signal at said receiver station;

generating an image by processing at least one user specific subscriber datum, said at least one user specific subscriber datum being stored at said receiver station prior to said step of organizing and based on information supplied by a user of said receiver station, said generated image including at least some information content that does not include any information from said discrete signals; and

outputting said video presentation to said user based on said organized signal, said video presentation comprising, firstly, a video image and, secondly, a coordinated display using said generated image and said video image, wherein said at least some information content of said generated image is displayed.

188. (Previously presented) The method of claim 187, wherein a receiver specific control signal is generated based on a third discrete signal, said method further including the step of:

selecting said video presentation in response to said generated receiver specific control signal.

189. (Previously presented) The method of claim 188, further comprising the step of controlling at least one of a receiver, a switch, a decryptor, a storage device, and a computer based on said receiver specific control signal.

190. (Previously presented) The method of claim 188, wherein said third discrete signal includes only partial information of an identifier.

191. (Previously presented) The method of claim 187, further comprising the steps of:

receiving said at least one user specific subscriber datum; and  
passing said at least one user specific subscriber datum to a storage device.

192. (Previously presented) The method of claim 187, further including the step of:

contacting a remote station to obtain said at least one user specific subscriber datum.

193. (Previously presented) The method of claim 187, wherein a receiver specific control signal is processed based on a third discrete signal, said method further including the step of outputting said video image in response to said receiver specific control signal.

194. (Previously presented) The method of claim 187, wherein a receiver specific control signal is processed based on a third discrete signal, wherein said step of generating is based on said receiver specific control signal.

195. (Previously presented) The method of claim 187, wherein said video image is received in one of a television and a multichannel information transmission.

196. (Previously presented) The method of claim 195, wherein said one of a television and a multichannel information transmission comprises an analog television signal.

197. (Previously presented) The method of claim 187, wherein said receiver station includes a video monitor which outputs said video presentation, wherein said

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video presentation comprises a series of computer generated video display outputs, and wherein by processing said at least one user specific subscriber datum said at least one processor delivers said generated image at said video monitor in one of said series of computer generated display outputs, said method further comprising the step of receiving said at least one user specific subscriber datum from a remote data source.